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UNCLAS SANTO DOMINGO 000768

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SUBJECT: UPDATE ON MANEUVERS AGAINST SONIA PIERRE,
HAITIAN-DOMINICAN ADVOCATE

REF: SANTO DOMINGO 732

¶1. (SBU) SUMMARY: In the days following the release of an internal report to the Central Elections Board (JCE) by investigators who recommended stripping a prominent Haitian-Dominican activist of her citizenship, numerous domestic and foreign groups have mobilized in Sonia Pierre's defense. Government officials have stated that any eventual revocation would be the outcome of a judicial process, in which Pierre would be allowed to defend herself. The JCE plenary has not indicated whether it will formally consider the staff recommendation. Choosing Pierre as the test case for a retroactive application of a 2004 migration law would make it more difficult for the government to use that law to strip other Dominicans of Haitian descent of their citizenship, as some officials and politicians had reportedly intended to do. END SUMMARY.

¶2. (SBU) During the evening hours of March 29, the Dominican media reported that investigators for the Central Elections Board (JCE) had delivered an internal report recommending that Dominican-Haitian activist Sonia Pierre be stripped of her Dominican citizenship. The JCE generally exercises final authority over all matters relating to elections and to civil registration. Sonia Pierre is a prominent advocate for the rights of persons of Haitian descent in the Dominican Republic. The investigation into the basis of her citizenship was requested by the xenophobic splinter political party of congressman Pelegrin Castillo, and they were almost certainly responsible for leaking its results.

¶3. (U) JCE Judge Roberto Rosario, PLD-affiliated and chair of the JCE administrative court, forwarded the report to the plenary. Proponents of the investigation and revocation probably did not anticipate the strength of the reaction that the report provoked from both foreign and domestic groups. Ethel Kennedy of the Kennedy Memorial Foundation personally phoned President Fernandez's office on repeated occasions; Senator Ted Kennedy sent a letter to the Dominican Embassy to the United States complaining about the investigation; editorials in major newspapers (including nationalist periodicals) came out strongly against revoking Pierre's citizenship; and more than a hundred international institutions that met on April 3 in Montevideo, Uruguay jointly expressed outrage in a letter to President Fernandez.

¶4. (SBU) JCE President Julio Cesar Castanos Guzman, two other JCE judges and the Vice President of the Dominican Supreme Court (SCJ) have moved to distance themselves from the

report's recommendations. They have said that the JCE lacks the legal authority to strip a citizen of their nationality, and that only the regular courts, where Pierre is allowed to defend herself, would have the authority to decide such a drastic measure. SCJ Vice President Luciano Pichardo told journalists that if Pierre's case reaches the Supreme Court, he and his colleagues would decide the matter objectively, and would not be "influenced by outside pressures." He did not characterize "outside pressures" -- which include human rights NGOs, many Dominican editors and op-ed commentators who have expressed scorn at the recommendation, and the xenophobic Fuerza Nacional Progresista party of congressman Pelegrin Castillo.

15. (SBU) Groups on both sides of the debate are beginning to show that they understand the stakes. Any consideration of whether to revoke the nationality of Pierre would have implications for tens or even hundred of thousands of Dominicans of Haitian descent. In 2004, the government implemented a migration law that excluded children born to non-resident foreigners from eligibility to acquire Dominican nationality at birth, by classifying their parents as "in transit." This classification was upheld by the Supreme Court. The legal question that would be determined in this dispute is the following: is it constitutional to apply that 2004 law retroactively so as to revoke the nationality of persons born prior to 2004? Castillo and his allies have come out in favor of such a retroactive application as the Dominican government's right to enforce its laws and constitution. Pierre and her organization have warned publicly that they believe that the case against her is an indication that the Dominican government intends to strip the nationality of all persons of Haitian descent in the country.

16. (SBU) COMMENT: The fact that the investigation into

Pierre's nationality proceeded as far as it did is disturbing and indicative of a serious problem -- discrimination against people of Haitian descent and harassment of the NGOs that advocate for them. This will take decades to address. However, the great irony here is that the nationalists' campaign against Pierre may serve to strengthen the position of advocates for persons of Haitian descent in the Dominican Republic. By selecting Pierre as their test case for a retroactive application of the 2004 Law, the nationalists have appeared to all to be engaged in a discriminatory political campaign targeting Haitians, rather than an effort to define civil identity. The world is now watching, and it will be far more difficult to revoke Pierre's nationality than it would have been to revoke that of hundreds, even thousands of anonymous, marginalized sugarcane cutters. As SCJ Vice President Pichardo told the press yesterday, at this point a decision to strip Pierre of her nationality would create more harm than good for the country.

17. (U) Drafted by Alexander T. Bryan

18. (U) This report and extensive other material can be consulted on our SIPRNET site,
<http://www.state.sgov.gov/p/wha/santodomingo/>
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